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REMARKS

Claims 1-41, 55-64 and 73 are in the case. Claims 65-72 have been cancelled without prejudice. (These claims, drawn to non-elected subject matter, were not cancelled in previous replies; they were inadvertently not listed in the May 4, 2005 Office Action or Applicant's subsequent replies.) New claim 73 has been added. This claim is similar to claim 35, except that a brush is recited rather than a scraper. No new matter has been added.

Claim 55 has been amended to place it in independent form, not including all of the limitations of the base claim, but including certain language for proper antecedence. It is believed, based on the Examiner's indication in the office action that claim 55 is "allowed," that claim 55 as amended is in condition for immediate allowance. If Applicants' understanding in this regard is not correct, Applicants respectfully request that the Examiner telephone Applicants' representative, Ms. Celia Leber, with clarification.

Claims 34-39 and 41 have been rejected under 35 U.S.C. 102(b) as being anticipated by Coccozza.

This rejection is respectfully traversed. Claim 34 requires that at least one of the surfaces of the flow path is movable relative to at least one other of the surfaces of the flow path, while in claim 35 the scraper is movable relative to at least one surface of the flow path. The helical element 188, which the Examiner is interpreting as analogous to Applicant's scraper, is not movable relative to a surface of the flow path. Nor is any surface of the flow path in Coccozza's device movable relative to any other surface of the flow path. Coccozza states that the helical element is "of fixed type" at col. 10, lines 10-11. Moreover, the flow path itself (channel 172) appears to be completely rigid.

Moreover, Applicant's claims 34 and 35 further require that a surface of the flow path (claim 34) or the scraper (claim 35) be "configured...to contact the at least one of the surfaces of the flow path such as to dislodge powder accumulated thereon." There is no indication that any structure described by Coccozza is configured to contact a surface of the flow path, nor that any part of the Coccozza device would be capable of dislodging powder accumulated on a surface of the flow path. Dislodging of accumulated powder is not Coccozza's intent; instead, Coccozza is

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concerned only with disintegrating agglomerations in the medicament to be inhaled. (Sec, e.g., col. 10, lines 8-10 and 38-42.) Disintegrating agglomerations during inhalation is very different from dislodging powder accumulated on surfaces of the flow path.

New claim 73 is patentable for at least the reasons advanced above. Moreover, Coccozza's helical element or rotating impeller cannot reasonably be interpreted as a brush.

In view of the above, Applicant respectfully requests withdrawal of this rejection and allowance of all claims.

A petition for one-month extension of time is being filed concurrently herewith. Please apply the charge for the extension of time, excess claims, and any other charges or credits, to deposit account 06-1050, referencing Attorney Docket No. 06275-131002.

Respectfully submitted,

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